

Senate File 2302 - Introduced

SENATE FILE 2302

BY HOGG

A BILL FOR

1 An Act relating to the funding of the water quality initiative,
2 by supporting selected watersheds, making appropriations
3 to a water quality initiative fund for agriculture and a
4 water quality initiative fund for communities, and including
5 effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 466B.2, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Division*" means the division of soil
4 conservation and water quality created within the department of
5 agriculture and land stewardship pursuant to section 159.5.

6 Sec. 2. Section 466B.3, subsection 6, Code 2016, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. d. The council shall solicit applications
9 from persons seeking to participate in a regional watershed and
10 clean water program created in section 466B.43. The council,
11 with assistance from the division and department, shall select
12 not more than two applications based on the following criteria:

13 (1) The watershed's immediate need for improved surface
14 water quality.

15 (2) The existence of political subdivisions and watershed
16 management authorities created pursuant to subchapter II,
17 actively engaged in water quality efforts.

18 (3) The degree to which the governing body of a watershed
19 management authority, political subdivision, or other political
20 unit demonstrates a willingness and has the resources to
21 participate in a program.

22 (4) The degree to which the regional watershed and clean
23 water program can attract additional funding from private and
24 public sources including federal funding.

25 Sec. 3. Section 466B.41, subsections 3 and 4, Code 2016, are
26 amended by striking the subsections.

27 Sec. 4. NEW SECTION. **466B.43 Water quality initiative —**
28 **regional watershed and clean water programs.**

29 1. As part of the water quality initiative established
30 pursuant to section 466B.42, the division, in cooperation with
31 the department, shall administer three separate and distinct
32 regional watershed and clean water programs. A program
33 shall be established in each of the three following selected
34 watersheds:

35 a. Not more than two regional watersheds designated by the

1 water resources coordinating council.

2 *b.* The Raccoon river watershed.

3 2. The water quality goal of each regional watershed and
4 clean water program is to reduce nitrates, nitrites, or other
5 contaminants as designated by the division, in cooperation with
6 the department, in untreated surface waters of each selected
7 watershed so that by January 1, 2032, nitrates, nitrites, or
8 other designated contaminants in those surface waters do not
9 exceed the maximum contaminant levels established by the United
10 States environmental protection agency under the Safe Drinking
11 Water Act as defined in section 455B.291.

12 3. *a.* The division, in cooperation with the department,
13 shall adopt a regional watershed and clean water program
14 plan for each of the three selected watersheds described in
15 subsection 1. The plan shall do all of the following:

16 (1) To the extent feasible, use existing data and amend,
17 augment, and consolidate existing plans or strategies which
18 have improved or which promise to improve watershed management
19 strategies for the selected watershed.

20 (2) Provide water quality objectives to be achieved by
21 dates identified in the plan in order to meet the selected
22 watershed's water quality goal described in subsection 2.

23 (3) Provide a framework for improving water quality by
24 administering regional watershed and clean water projects.

25 *b.* The division shall cooperate with the department,
26 interested government bodies, landowners, and stakeholders in
27 adopting each regional watershed and clean water program plan.
28 The division, in cooperation with the department, shall conduct
29 public hearings throughout each selected watershed prior to and
30 during the duration of the watershed and clean water program in
31 order to do all of the following:

32 (1) Educate persons residing within the selected watershed
33 regarding the regional watershed and clean water program.

34 (2) Recruit persons to participate in regional watershed
35 and clean water projects.

1 (3) Receive comments regarding how to establish and improve
2 the program or administer the projects.

3 4. The division shall be responsible for the implementation
4 of regional watershed and clean water projects on cropland
5 and pastureland within each selected watershed. A project
6 may include but is not limited to in-field and edge-of-field
7 practices, wetland restoration and construction, vegetated
8 buffer strips, and other management practices.

9 5. The department, in cooperation with the division, shall
10 be responsible for the implementation of watershed and clean
11 water projects within cities and other communities within
12 each selected watershed. A project may include but is not
13 limited to improving wastewater, sewer and septic tank systems,
14 storm water drainage, or sewage treatment services for both
15 sewered and unsewered communities, including incorporated and
16 unincorporated communities.

17 6. In establishing and administering regional watershed
18 and clean water projects, the division and department shall
19 identify and actively seek participation from persons who
20 in the aggregate contribute at least ninety percent of the
21 maximum contaminant levels. A person may participate in a
22 project on a voluntary basis by entering into an agreement
23 with either the division under subsection 4 or the department
24 under subsection 5. An agreement may provide for the award of
25 financial incentives to the participating person, which may be
26 in the form of a loan, grant, or cost-share basis arrangement
27 as determined by the division or department who enters into the
28 agreement with the person.

29 7. The division, in cooperation with the department, shall
30 regularly monitor the surface water quality in each selected
31 watershed to measure progress in achieving the objectives
32 of the regional watershed and clean water program plan as
33 described in subsection 3.

34 8. *a.* The division, in cooperation with the department,
35 shall prepare and submit interim reports to the governor and

1 general assembly every two years beginning January 15, 2018,
2 and ending January 15, 2030. The division, in cooperation with
3 the department, shall prepare and submit a final report to the
4 governor and general assembly by January 15, 2032.

5 *b.* A report shall include all of the following:

6 (1) A description and update of the current status of the
7 regional watershed and clean water programs and projects, and
8 the expenditure of moneys appropriated to support the programs
9 and projects.

10 (2) An evaluation of the successes and failures of each
11 program and project in meeting the program's water quality
12 objectives and the water quality goal. If a program has failed
13 to meet an objective, the report shall recommend methods to
14 improve the program, including but not limited to amending
15 statutes, administrative rules, or the program's plan.

16 Sec. 5. Section 466B.45, subsections 1 and 3, Code 2016, are
17 amended to read as follows:

18 1. A water quality initiative fund for agriculture is
19 created in the state treasury under the management and control
20 of the division.

21 3. Moneys in the fund are appropriated to the division
22 and shall be used exclusively to carry out the provisions of
23 this subchapter as determined by the division, and shall not
24 require further special authorization by the general assembly.
25 The department may transfer moneys from this fund to the water
26 quality initiative fund for communities created in section
27 466B.45A and may reallocate moneys from this fund to support
28 regional watershed and clean water programs under section
29 466B.43 as necessary to accomplish the water quality objectives
30 identified in the regional watershed and clean water program
31 plan for that selected watershed.

32 Sec. 6. NEW SECTION. **466B.45A Water quality initiative fund**
33 **for communities.**

34 1. A water quality initiative fund for communities is
35 created in the state treasury under the management and control

1 of the department.

2 2. The fund shall include moneys appropriated by the general
3 assembly. The fund may include other moneys available to and
4 obtained or accepted by the department, including moneys from
5 public or private sources.

6 3. Moneys in the fund are appropriated to the department
7 and shall be used exclusively to carry out the provisions of
8 this subchapter as determined by the department, and shall not
9 require further special authorization by the general assembly.
10 The department may transfer moneys from this fund to the water
11 quality initiative fund for agriculture created in section
12 466B.45 and may reallocate moneys from this fund to support
13 the regional watershed and clean water programs under section
14 466B.43 as necessary to accomplish the water quality objectives
15 identified in the regional watershed and clean water plan for
16 that selected watershed.

17 4. *a.* Notwithstanding section 12C.7, interest or earnings
18 on moneys in the fund shall be credited to the fund.

19 *b.* Notwithstanding section 8.33, moneys appropriated or
20 otherwise credited to the fund for a fiscal year shall not
21 revert to the fund from which appropriated at the close of the
22 fiscal year for which the appropriation was made but shall
23 remain available for expenditure for the purposes designated
24 until the close of the fiscal year that begins three years
25 from the beginning date of the fiscal year for which the
26 appropriation was made.

27 Sec. 7. APPROPRIATIONS — WATER QUALITY INITIATIVE —
28 REGIONAL WATERSHED AND CLEAN WATER PROGRAMS.

29 1. There is appropriated from the general fund of the
30 state to the soil conservation division of the department of
31 agriculture and land stewardship for the fiscal year beginning
32 July 1, 2015, and ending June 30, 2016, the following amount,
33 or so much thereof as is necessary, to be used for the purposes
34 designated:

35 For deposit into the water quality initiative fund for

1 agriculture as created in section 466B.45, as amended in this
 2 Act, for purposes of administering regional watershed and clean
 3 water programs, as provided in section 466B.43 as created in
 4 this Act, including the implementation of regional watershed
 5 and clean water projects on cropland and pastureland within
 6 each selected watershed:

7 \$ 60,000,000

8 2. There is appropriated from the general fund of the state
 9 to the department of natural resources for the fiscal year
 10 beginning July 1, 2015, and ending June 30, 2016, the following
 11 amount, or so much thereof as is necessary, to be used for the
 12 purposes designated:

13 For deposit into the water quality initiative fund for
 14 communities as created in section 466B.45A, as enacted in this
 15 Act, for purposes of administering regional watershed and clean
 16 water programs, as provided in section 466B.43 as created in
 17 this Act, including the implementation of regional watershed
 18 and clean water projects within cities and other communities
 19 within each selected watershed:

20 \$ 30,000,000

21 3. Notwithstanding section 8.33, moneys appropriated for
 22 the fiscal year beginning July 1, 2015, in this section that
 23 remain unencumbered or unobligated at the close of the fiscal
 24 year shall not revert but shall remain available to be used for
 25 the purposes designated until January 1, 2032.

26 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
 30 the explanation's substance by the members of the general assembly.

31 This bill relates to the state's water quality initiative
 32 that provides for the assessment and reduction of nutrients
 33 in this state's watersheds, including regional watersheds
 34 (Code section 466B.42). The bill provides programs to support
 35 three watersheds, including two regional watersheds selected

1 by the water resources coordinating council (Code section
2 466B.3 as amended) and the Raccoon river watershed. The bill
3 appropriates moneys for the fiscal year beginning July 1, 2015,
4 and ending June 30, 2016, to two funds: (1) the water quality
5 initiative fund for agriculture administered by the division of
6 soil conservation and water quality and (2) the water quality
7 initiative fund for communities administered by the department
8 of natural resources. The goal for each program is to reduce
9 nitrates, nitrites, or other contaminants designated by the
10 division so that by January 1, 2032, contaminants in surface
11 waters do not exceed the maximum contaminant levels established
12 by the United States environmental protection agency under the
13 Safe Drinking Water Act. The division, in cooperation with
14 the department, must prepare and submit interim reports to the
15 governor and general assembly every two years, with a final
16 report to be delivered January 15, 2032.
17 The bill takes effect upon enactment.